

PATROL POLICY AND RESPONSIBILITIES

Certain responsibilities and authority have been granted to the Missouri State Highway Patrol by the citizens of Missouri. The Patrol recognizes its responsibility to maintain the public confidence and trust, and the need to ensure integrity and accountability both by the agency and by each employee. As we recognize the rights of all citizens, citizens should recognize that Patrol employees must be free to exercise their best judgement in taking necessary and reasonable action in the performance of their duties without fear of reprisal. Specific complaint procedures have been adopted by the Patrol to ensure that fair and proper action is taken when an employee is accused of misconduct. This also protects employees from unwarranted or false accusations. Additionally, this system provides a means of identifying and correcting deficiencies in policies, procedures, or training.

COMPLAINT PROCEDURES

Who may make a complaint?

Any citizen and any Patrol employee may make a complaint. **Normally, the person most directly affected by the alleged conduct should be the person to complain.** An example of this is that a complaint of rudeness to a driver should be made by the driver, not a passenger in the vehicle. Exceptions to this would include a parent filing a complaint for a minor child or other similar situations.

In what form should complaints be made?

Complaints may be made in person, in writing, or by telephone. Complaints should **concisely and specifically describe** the conduct of the employee that was found to be improper. Rather than say the employee was rude, explain **how** the employee was rude by providing the specific words or phrases used, describing the employee's tone of voice, or citing particular acts of rudeness. Identify the employee as much as possible. This can be accomplished by providing the employee's name, badge number, patrol vehicle license number, and the date, time, and location of the incident. Patrol employees are required by policy to properly identify themselves upon request. If available, include the names, addresses, and telephone numbers of all witnesses.

To whom should complaint be submitted?

All Patrol employees are required to accept complaints if no supervisor is immediately available to do so. Most complaints are directed to the local supervisor, local troop or satellite headquarters, or to the General Headquarters in Jefferson City. All complaints are forwarded to the Professional Standards Division at General Headquarters for appropriate action.

When may complaints be made?

Complaints may be made at any time. Normal office hours, telephone numbers, and addresses are listed at the back of this pamphlet. Additionally, complaints should be made within a reasonable time after the alleged misconduct occurred to help ensure evidence is still available and recollections of the incident are fresh.

What can be the subject of a complaint?

The focus of Patrol complaint procedures is on **alleged misconduct by a Patrol employee**. This encompasses violations of laws or Patrol rules and regulations. A disagreement with a policy or law or the application of a policy or law is not considered a "complaint," and will normally be referred to the commander most directly involved with the policy or law in question for response.

How does making a complaint affect present or future charges against me?

Any charges or legal issues must be decided by the appropriate court. The investigation of your complaint will focus on the conduct of the employee, not the charges against you. Therefore, any charges against you are a separate issue which you will have to resolve in court. Employees are prohibited from retaliating against you for reporting truthful information in lodging a complaint against them.

Can I make an anonymous complaint?

Anonymous complaints are investigated; however, investigations are less likely to reveal all the facts surrounding an alleged incident when the investigator is deprived of the opportunity to contact the complainant. Also, an anonymous complainant cannot be made aware of the results of the investigation. For these reasons we strongly encourage persons having legitimate concerns to sign the complaint form and fully cooperate with the assigned investigator.

THE INVESTIGATIVE PROCESS

- Other than those complaints which are resolved, every complaint of misconduct by an employee will be investigated.
- Upon receipt of a complaint, the Professional Standards Division will send a letter to the complainant acknowledging receipt of the complaint. The Professional Standards Division may conduct a preliminary inquiry by telephone, by mail, or in person to clarify specific issues. **If an official Complaint Receipt form has not been signed by the complainant, a form will be sent to the complainant for signature.** The complaint form contains an affirmation to the truth of the information provided and a precautionary statement regarding false allegations. This statement is **not** intended to dissuade persons from lodging **legitimate, factual** complaints, but is intended to forewarn persons making false or malicious statements that Patrol employees, like all persons, have legal recourse for such action, and that action cannot be regulated by the Patrol. If the complainant does not sign and return the form, the action taken by the Patrol may be limited to a preliminary inquiry.
- Upon receipt of a signed complaint form, the Professional Standards Division will assign the case for investigation. Complaints of a routine nature will generally be assigned to the employee's supervisor or commander. More serious or complex matters will normally be investigated by the Professional Standards Division.
- Investigators will attempt to contact the complainant, the accused employee, and witnesses; examine physical evidence; review reports and records; and thoroughly document the facts surrounding the incident.
- The investigator's report will be submitted to the Professional Standards Division, where it will be reviewed for completeness and objectivity, then it will be forwarded to the superintendent.
- Disciplinary action will be initiated when deemed appropriate, and the superintendent will write a letter to the person who signed the complaint summarizing the results of the investigation.

RESOLVED COMPLAINTS

Some complaints may be resolved at the time they are received. For example, an explanation that the law requires (or allows) an employee to perform certain acts may satisfy the complainant. Such complaints may be marked resolved **if the complainant agrees** that no further investigation of the incident is necessary; however, the complaint form will still be forwarded to the Professional Standards Division and maintained on file for one year.

WITHDRAWING A COMPLAINT

A person may **voluntarily** withdraw a complaint after a formal investigation has been initiated by signing a Complaint Withdrawal form. The form is available at any troop or satellite headquarters or through the assigned investigator. Complaint withdrawal is appropriate in situations such as when additional information is learned which causes the complainant to realize the Patrol employee's actions were proper. The Patrol may, however, elect to continue the investigation if circumstances warrant.

QUESTIONS

Questions about complaint procedures should be directed to:

Professional Standards Division

Missouri State Highway Patrol
P.O. Box 568
Jefferson City, MO 65102
or telephone:
(573) 751-8801

(Hearing Impaired) V/TDD: (573) 751-3313

Monday through Friday
8:00 a.m. to 5:00 p.m.

For the Missouri State Highway Patrol Headquarters nearest you, consult your local phone directory.

The contents of this brochure can be made available in alternate forms for the sight impaired by contacting:
Missouri State Highway Patrol
Administrative Services Bureau
(573) 526-6110

Emergency Assistance
1-800-525-5555 or cellular *55

Road Conditions
1-800-222-6400

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